

# PUBLIC NOTICE

Notice to Water Users  
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to appropriate water in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION FOR BENEFICIAL WATER USE PERMIT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

**OBJECTION DEADLINE: JUNE 15, 2020.** THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 613 NE MAIN, SUITE E, LEWISTOWN, MT 59457-2020, PHONE: 406-538-7459, FAX: 406-538-7089.

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

**Application Number:** 41J 30116562  
**Owners:** TINTINA MONTANA INC  
17 E MAIN ST  
WHITE SULPHUR SPRINGS, MT 59645  
**Priority Date:** SEPTEMBER 7, 2018 at 02:20 P.M.  
**Purpose (use):** INDUSTRIAL  
**Maximum Flow Rate:** 1.11 CFS  
**Maximum Volume:** 350.00 AC-FT  
**Source Name:** GROUNDWATER  
**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	25	12N	6E	MEAGHER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31 **Flow Rate:** 1.11 CFS

**Diversion Means:** SUMP  
WATER WILL BE PUMPED OUT OF A MINE ADIT FROM DEPTHS BETWEEN 460 AND 1640 FEET.

**Purpose (Use):** INDUSTRIAL **Purpose Clarification:** COPPER MINE  
**Volume:** 350.00 AC-FT  
**Period of Use:** JANUARY 1 to DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				24	12N	6E	MEAGHER
2				25	12N	6E	MEAGHER
3				36	12N	6E	MEAGHER
4				19	12N	7E	MEAGHER
5				29	12N	7E	MEAGHER
6				30	12N	7E	MEAGHER
7				31	12N	7E	MEAGHER
8				32	12N	7E	MEAGHER

THE LEGAL DESCRIPTIONS FOR THE PLACE OF USE REFLECT THE APPROXIMATE MINE PERMIT BOUNDARY.

**Remarks:**

**IMPORTANT INFORMATION**

1. WATER MEASUREMENT REQUIRED  
THE APPROPRIATOR SHALL INSTALL A DEPARTMENT-APPROVED WATER USE MEASURING DEVICE IN THE DIVERSION WORKS THAT APPROPRIATES WATER FROM THE MINE PORTAL. WATER MUST NOT BE DIVERTED UNTIL THE REQUIRED MEASURING DEVICE IS IN PLACE AND OPERATING. THE APPROPRIATOR SHALL KEEP A WRITTEN MONTHLY RECORD OF THE FLOW RATE AND VOLUME OF ALL

WATER DIVERTED, INCLUDING THE PERIOD OF TIME.

RECORDS SHALL BE SUBMITTED BY DECEMBER 31 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. FAILURE TO SUBMIT RECORDS MAY BE CAUSE FOR REVOCATION OF THE PERMIT. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE LISTED BELOW. THE APPROPRIATOR SHALL MAINTAIN THE MEASURING DEVICE SO IT ALWAYS OPERATES PROPERLY AND MEASURES FLOW RATE ACCURATELY. SUBMIT RECORDS TO:

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459

**IMPORTANT INFORMATION**

**2. MITIGATION PLAN**

THIS GROUNDWATER PERMIT IS ASSOCIATED TO PERMIT NO. 41J 30116563, AND CHANGE AUTHORIZATION NOS. 41J 30116553, 41J 30116554, 41J 30116556, 41J 30116557, 41J 30116558, AND 41J 30116559. PERMIT NO. 41J 30116563 INCLUDES A SURFACE WATER APPROPRIATION TO STORE WATER, AND THE REMAINING CHANGE AUTHORIZATIONS INCLUDE CHANGES TO EXISTING IRRIGATION WATER RIGHTS, ALL FOR PURPOSES OF MITIGATING SURFACE WATER DEPLETIONS CAUSED BY THIS GROUNDWATER PERMIT. ADMINISTRATION OF THE WATER RIGHTS MUST BE COORDINATED TO PROPERLY EXECUTE THE APPROPRIATOR'S MITIGATION PLAN.

WHEN BENEFICIALLY USING WATER UNDER THIS GROUNDWATER PERMIT THE APPROPRIATOR'S APPROVED MITIGATION PLAN FOR SHEEP CREEK, BLACK BUTTE CREEK, AND COON CREEK IS AS FOLLOWS. APPROPRIATOR SHALL DISCHARGE WATER FROM ITS NON-CONTACT WATER RESERVOIR (AUTHORIZED IN PERMIT NO. 41J 30116563) IN THE FOLLOWING AMOUNT AND TIMING: 70 GALLONS PER MINUTE AND 113.1 ACRE-FEET, FROM JANUARY 1 THROUGH DECEMBER 31, IN COON CREEK; 45 GALLONS PER MINUTE AND 34.4 ACRE-FEET, FROM APRIL 20 THROUGH OCTOBER 10, IN BLACK BUTTE CREEK. FOR SHEEP CREEK, THE APPROPRIATOR SHALL DISCHARGE THE FOLLOWING AMOUNT AND/OR PROVIDE MITIGATION WATER FROM THE PURCHASE OF WATER MARKETED FROM EXISTING WATER RIGHTS: 96 GALLONS PER MINUTE FROM APRIL 20 THROUGH OCTOBER 10, AND 141 GALLONS PER MINUTE FROM OCTOBER 11 THROUGH APRIL 19, FOR A TOTAL VOLUME OF 192.4 ACRE-FEET. MITIGATION WATER MUST BE RELEASED INTO COON CREEK AND BLACK BUTTE CREEK AND IN THE FOLLOWING DISCHARGE LOCATION IN SHEEP CREEK: SWNENW SECTION 30, T12N, 7E.

ACCOUNTING OF ALL WATER DISCHARGED FROM THE NON-CONTACT RESERVOIR AND PURCHASED FOR MITIGATION PURPOSES SHALL BE RECORDED, INCLUDING THE PERIOD OF TIME, AND SHALL BE SUBMITTED BY DECEMBER 31 OF EACH YEAR AND UPON REQUEST AT OTHER TIMES DURING THE YEAR. THE AMOUNT OF WATER REQUIRED FOR MITIGATION PURPOSES IS 340.3 ACRE-FEET ANNUALLY. FAILURE TO EXECUTE THE MITIGATION PLAN AS OUTLINED IN THIS PRELIMINARY DETERMINATION, OR FAILURE TO SUBMIT RECORDS, SHALL BE CAUSE FOR REVOCATION OF THE PERMIT. THE RECORDS MUST BE SENT TO THE WATER RESOURCES REGIONAL OFFICE LISTED BELOW.

LEWISTOWN WATER RESOURCES OFFICE  
613 NE MAIN ST, SUITE E  
LEWISTOWN, MT  
PHONE: 406-538-7459

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